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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,815	06/04/2001	Kazuo Konishi	04329.2576	1967
22852	7590	09/23/2005	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			MISLEH, JUSTIN P	
			ART UNIT	PAPER NUMBER
			2612	

DATE MAILED: 09/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/871,815

Applicant(s)

KONISHI ET AL.

Examiner

Justin P. Misleh

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on May 10, 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 24 is/are pending in the application.
- 4a) Of the above claim(s) 4 - 16 and 18 - 24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 3 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to Claims 1 and 17 have been considered but are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1 – 3 and 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sethuraman et al.
4. For **Claim 1**, Sethuraman et al. disclose, as shown in figures 1, 3, and 7 and as stated in columns 3 (lines 17 – 62), 4 (lines 7 – 23 and 35 – 63), 5 (all lines), 6 (line 1), 7 (lines 34 – 65), A video camera apparatus (multimedia processing system 100 is considered a video camera apparatus) utilizing a network (102), comprising:
 - a solid state image sensor (inherent to frame acquisition video camera module 104 that generates motion video having a bitstream);
 - a video encoding section (108) configured to perform compression encoding including intra-frame encoding (I_frame; see column 4, lines 43 and 44) and inter-frame encoding (see column 4, lines 7 – 11) for a video signal input from said solid state image sensor;

Art Unit: 2612

a mode selector (video controller 106; see column 3, lines 37 – 44) to select a first shoot mode for obtaining a high quality motion video file (see flowchart of figure 3 and column 6, lines 6 – 20), YES result of Step 302 corresponds to a high quality motion video mode wherein I frames are generated with maximum freeze time and quality parameters) or a second shoot mode for obtaining a compression-encoded motion video file suitable for real time transmission via the network (see flowchart of figure 3 and column 7, lines 25 – 34), NO result of Step 302 corresponds to a compression-encoded motion video file wherein P frames are generated with P quality parameters); and

a control section (video controller 106) configured to execute the second shoot mode to control said video encoding section to match a bit rate of an encoded video signal obtained by said video encoding section with a communication speed of the network used to transmit the video file when the second shoot mode is selected (see figure 7 and column 7, lines 34 – 38).

Although, Sethuraman et al. does not disclose a recording section configured to record the video signal compression-encoded by said video encoding section as a video file on a recording medium.

However, **Official Notice** (MPEP § 2144.03) is taken that both the concepts and advantages of providing a recording medium for recording a compression-encoded video signal are well known and expected in the art. At the time the invention was made, it would have been obvious to one with ordinary skill in the art to have a recording medium for recording a compression-encoded video signal for the advantage being able to permanently record captured video data in cases where real-time transmission cannot be performed.

5. As for **Claim 2**, Sethuraman et al. disclose, as stated in column 3 (lines 25 – 46), a speech signal input section configured to input a speech signal (inherent to the video camera (104), a speech signal encoding section configured to perform compression encoding to the speech signal input from said speech signal input section (also video ending section 108), and a generation section configured to multiplex the speech signal compression-encoded by said speech signal encoding section and the compression-encoded video signal and generate the video file (see column 3, lines 29 – 35), and said control section is configured to control said speech signal encoding section to match a bit rate of an encoded speech signal obtained by said speech signal encoding section with the communication speed of the network used to transmit the video file when the second shoot mode is selected (see column 3, lines 25 – 46).

6. As for **Claim 3**, Sethuraman et al. disclose, as stated in column 6 (lines 32 – 43), that the I frames corresponding to the first video mode have a better image quality and maximum bit rate than the P frames corresponding to the second video mode. Therefore, Sethuraman et al. disclose said control section is configured to control said video encoding section to set the bit rate of the encoded video signal obtained by said video encoding section to be higher than in the second shoot mode.

7. For **Claim 1**, Sethuraman et al. disclose, as shown in figures 1, 3, and 7 and as stated in columns 3 (lines 17 – 62), 4 (lines 7 – 23 and 35 – 63), 5 (all lines), 6 (line 1), 7 (lines 34 – 65), A video camera apparatus (multimedia processing system 100 is considered a video camera apparatus) utilizing a network (102), comprising:

a solid state image sensor (inherent to frame acquisition video camera module 104 that generates motion video having a bitstream);

a video encoding section (108) configured to perform compression encoding including intra-frame encoding (I_frame; see column 4, lines 43 and 44) and inter-frame encoding (see column 4, lines 7 – 11) for a video signal input from said solid state image sensor;

a mode selector (video controller 106; see column 3, lines 37 – 44) to select a first shoot mode for obtaining a high quality motion video file (see flowchart of figure 3 and column 6, lines 6 – 20), YES result of Step 302 corresponds to a high quality motion video mode wherein I frames are generated with maximum freeze time and quality parameters) or a second shoot mode for obtaining a compression-encoded motion video file suitable for real time transmission via the network (see flowchart of figure 3 and column 7, lines 25 – 34), NO result of Step 302 corresponds to a compression-encoded motion video file wherein P frames are generated with P quality parameters); and

a control section (video controller 106) configured to control a compression ratio of the video signal obtained by said video encoding section (via I and P frames, see figure 3) in accordance with an application purpose of the video file, to execute selectively the second shoot mode to control said video encoding section to match a bit rate of an encoded video signal obtained by said video encoding section with a communication speed of the network used to transmit the video file when the second shoot mode is selected (see figure 7 and column 7, lines 34 – 38).

Sethuraman et al. disclose, as stated in column 6 (lines 32 – 43), that the I frames corresponding to the first video mode have a better image quality and maximum bit rate than the P frames corresponding to the second video mode. Therefore, Sethuraman et al. disclose said control section is configured to control said video encoding section to set the bit rate of the

Art Unit: 2612

encoded video signal obtained by said video encoding section to be higher than in the second shoot mode.

Although, Sethuraman et al. does not disclose a recording section configured to record the video signal compression-encoded by said video encoding section as a video file on a recording medium.

However, **Official Notice** (MPEP § 2144.03) is taken that both the concepts and advantages of providing a recording medium for recording a compression-encoded video signal are well known and expected in the art. At the time the invention was made, it would have been obvious to one with ordinary skill in the art to have a recording medium for recording a compression-encoded video signal for the advantage being able to permanently record captured video data in cases where real-time transmission cannot be performed.

Cited Prior Art

8. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure at least because each recites dynamic bandwidth allocation procedures for motion video.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2612

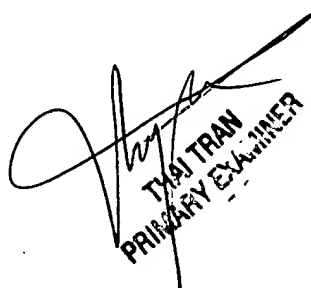
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Justin P Misleh whose telephone number is 571.272.7313. The Examiner can normally be reached on Monday through Friday from 8:00 AM to 5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Thai Q Tran can be reached on 571.272.7382. The fax phone number for the organization where this application or proceeding is assigned is 571.273.3000.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JPM
September 19, 2005


THAI TRAN
PRIMARY EXAMINER